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Lawyer for Respondents/Claimants,
Paula Denise Calugan, as Personal
Representative for the Estate of Daniel Raymond
Roehl, and Kasie Gundersen, as parent and
next friend of Nicole Gundersen, a minor

IN THE UNITED STATES COURT
FOR THE DISTRICT OF ALASKA

In the Matter of the Complaint of)
LITTLE WHITE DOVE, LLC,)
an Alaska Limited Liability Company,)
Owner of the F/V LITTLE WHITE)
DOVE, Official No. 607001, for)
exoneration from or limitation of)
liability,)
Plaintiff,)
_____)

Case No. 3:05-cv-00067-JWS

CONDITIONAL OPPOSITION TO
MOTION TO EXTEND DISCOVERY

Petitioner Little White Dove, LLC, seeks to extend discovery for 60 days beyond the time presently set. There is pending a motion to stay this case until resolution of the Ninth Circuit appeal of this Court's order denying claimants' request to lift the injunction against state court proceedings. The grant of the motion to stay would essentially moot petitioner's request to continue discovery. Claimants therefore oppose the motion to

extend discovery because they believe the case should be stayed while the Ninth Circuit addresses the issue now before it.

On a different level, should the Court be inclined to deny the motion to stay, and should the Ninth Circuit concur in such denial, claimants will request this Court to simply vacate the present pretrial order such that claimants' present counsel, who took the place of Patrick McKay earlier this year, would have an opportunity to develop the case, retain experts, and take other pretrial actions that do not appear to have been attended to by previous counsel. In the posture of the case, with no discovery actually having been conducted, it would certainly serve the interests of justice, without any meaningful prejudice to the Court or petitioner, to simply enter an entirely new pretrial order with new pretrial deadlines concerning witnesses, particularly experts, and addressing the orderly conduct of discovery. However, claimants again wish to note that it will be unnecessary to address pretrial issues if the Court grants the motion to stay which as argued in claimants' pleadings would be the appropriate action under the circumstances of this case.

DATED 29 September 2006

/s/Charles W. Ray, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on 29 September 2006, a copy of the foregoing Conditional Opposition to Motion to Extend Discovery was served electronically on:

Cheryl L. Graves
Farley & Graves
cgraves@farleygraves.com

By: s/Charles W. Ray, Jr.